

December 15, 1997

DURHAM, NORTH CAROLINA  
MONDAY, DECEMBER 15, 1997  
7:30 P.M.

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Absent: Council Member Brown.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, City Clerk Margaret M. Bowers and Deputy City Clerk D. Ann Gray.

Mayor Tennyson called the meeting to order asking for priority items from the City Manager, City Attorney and City Clerk. **[No priority items]**

Mayor Pro Tempore Clement congratulated Kendall Abernathy, of the Housing Department, for a job well done as Chairperson of the Seven Star Campaign.

In memory of Mrs. Nancy Rowland, of North Carolina Central University, Council Member Cox asked that the council and audience pause in a moment of silence.

Mayor Tennyson asked if any council member(s) or citizen(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. Mayor Tennyson noted that citizens had requested that Consent Items 1 and 3 be pulled. Also, the Mayor reminded council of an additional motion being added to Consent Item 12 regarding the American Tobacco Trail. Council Member Cox requested that Consent Item 4 be pulled.

**MOTION** by Council Member Larson seconded by Council Member Griffin to approve the Consent Agenda as amended was approved at 7:36 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**[CONSENT AGENDA]**

**SUBJECT: STRATEGIC PLAN REPORT**

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**MOTION** by Council Member Larson seconded by Council Member Griffin to receive a report from the Administration concerning the City of Durham's Strategic Plan was approved at 7:36 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**SUBJECT: AMENDMENT TO CAPITAL PROJECT ORDINANCE #11188 CONCERNING FUTURE WATER SUPPLY AND WATER QUALITY PROTECTIONS**

**MOTION** by Council Member Larson seconded by Council Member Griffin to adopt a "Capital Project Ordinance Amending Ordinance #11188 Concerning Future Water Supply and Water Quality Protection" was approved at 7:36 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**Ordinance #11313**

**SUBJECT: BIDS - RENTAL WITH OPTION TO PURCHASE OF TRANSFER STATION OPERATING EQUIPMENT - E. F. CRAVEN COMPANY**

**MOTION** by Council Member Larson seconded by Council Member Griffin to authorize the City Manager to enter into a six month rental contract with the E. F. Craven Company in the amount of \$76,500 for providing the City with the use of a Wheel Loader (Item #1) and a Wheeled Excavator (Item #2) was approved at 7:36 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**SUBJECT: CHANGE OF TIPPING FEES ON PICKUP TRUCKS, VANS, AND TRAILERS FOR USE OF SOLID WASTE DISPOSAL FACILITIES**

**MOTION** by Council Member Larson seconded by Council Member Griffin to adopt a resolution changing tipping fees on pickup trucks, vans, and trailers for the use of solid waste disposal facilities was approved at 7:36 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

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**Resolution #8414**

**SUBJECT: VOLUME DISCOUNT FEES FOR USE OF SOLID WASTE DISPOSAL FACILITIES**

**MOTION** by Council Member Larson seconded by Council Member Griffin to adopt a resolution continuing volume discount fees for use of solid waste disposal facilities was approved at 7:36 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**Resolution #8415**

**SUBJECT: RESOLUTION SETTING THE PENALTY FEES FOR VIOLATION OF THE DISPOSAL BAN OF RECYCLABLES ORDINANCE**

**MOTION** by Council Member Larson seconded by Council Member Griffin to adopt a "Resolution Setting Penalty Fees for Noncompliance with an Ordinance Regarding the Banning of Disposal of Recyclables" was approved at 7:36 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**Resolution #8416**

**SUBJECT: AMENDMENTS TO THE COMPENSATION AND CLASSIFICATION PLAN**

**MOTION** by Council Member Larson seconded by Council Member Griffin to amend the City of Durham Compensation and Classification Plan adopted on July 6, 1996, as amended--positions for Parking Enforcement Supervisor and Parking Enforcement Officer not to be filled until a report is received by City Council) was approved at 7:36 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**SUBJECT: SITE PLAN APPROVAL - KEYSTONE TECHNOLOGY IV**

**MOTION** by Council Member Larson seconded by Council Member Griffin

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to approve a site plan for Keystone Technology IV, submitted by the Keystone Corporation, consisting of a 76,260 square foot office building with 370 parking spaces, proposed on 7.3± acres, zoned I-2, located on the southeast corner of Davis Drive and Hopson Road in the Keystone Technology Park adjacent to Davis Park (Tax Map #584-3-13) was approved at 7:36 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**SUBJECT: AMERICAN TOBACCO TRAIL PHASES A AND B - REIMBURSEMENT AGREEMENT WITH NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT)**

**MOTION** by Council Member Larson seconded by Council Member Griffin to adopt a Resolution authorizing the City Manager to enter into an Agreement with NCDOT for the construction of Phases A and B of the American Tobacco Trail; and

To adopt a "Capital Project Ordinance Concerning American Tobacco Trail - Morehead Avenue to Cornwallis Road" was approved at 7:36 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**Resolution #8417  
Ordinance #11314**

**SUBJECT: DEVELOPER REIMBURSEMENT FOR SEWER OUTFALL CONSTRUCTION - CARVER POND APARTMENTS**

**MOTION** by Council Member Larson seconded by Council Member Griffin to authorize the expenditure of \$33,352.12 from the Sewer Extensions and Improvements Account for reimbursement for the construction of a sanitary sewer outfall at the Carver Pond Apartments was approved at 7:36 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**SUBJECT: CITIZEN PARTICIPATION IN BUDGET-RELATED ACTIVITIES**

**MOTION** by Council Member Larson seconded by Council Member Griffin to set a public hearing on Tuesday, January 20, 1998 to receive citizens' comments concerning the following items:

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- 1) Fiscal Year 1998-99 Budget and the Fiscal Year 1999-2000 Resource Allocation Plan,
- 2) Fiscal Years 1999-2004 Capital Improvement Plan,
- 3) City of Durham Strategic Plan, and

To establish dates and times to meet with interested citizens through "Coffee with Council" was approved at 7:36 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**SUBJECT: STOP SIGNS - STONE HILL ESTATES (PHASES II, III, IV, I, VI-A, VI-B AND VII)**

**MOTION** by Council Member Larson seconded by Council Member Griffin to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:36 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

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- 1) Quartz Drive at Lodestone Drive, northeast corner;
- 2) Quartz Drive at Lodestone Drive, southwest corner;
- 3) Evanwald Court at Lodestone Drive, west corner;
- 4) Slade Court at Lodestone Drive, northeast corner;
- 5) Obsidian Way at Destrier Drive, northwest corner;
- 6) Obsidian Way at Destrier Drive, southeast corner;
- 7) Collinswood Court at Quartz Drive, northwest corner;
- 8) Feldspar Way at Lodestone Drive, northeast corner;
- 9) Lodestone Drive at Freeman Road, southeast corner;
- 10) Onyx Court at Lodestone Drive, southwest corner;
- 11) Opel Court at Lodestone Drive, northeast corner;
- 12) Destrier Drive at Lodestone Drive, northeast corner;
- 13) Destrier Drive at Lodestone Drive, southwest corner;
- 14) Pyrite Place at Destrier Drive, southwest corner;
- 15) Pebble Way at Sapphire Drive, southeast corner;
- 16) Pebble Way at Quartz Drive, northwest corner;
- 17) Sapphire Drive at Quartz Drive, southwest corner;
- 18) Sapphire Drive at Quartz Drive, northeast corner;
- 19) Sapphire Drive at Mineral Springs Road, southwest corner;
- 20) Feldspar Way at Sapphire Drive, southeast corner;
- 21) Destrier Drive at Mineral Springs Road, southwest

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- corner;
- 22) Bromholme Lane at Quartz Drive, northeast corner;
- 23) Bromholme Lane at Quartz Drive, southwest corner;
- 24) Diamond Court at Bromholme Lane, southeast corner;
- 25) Peridot Place at Quartz Drive, northeast corner; and
- 26) Topaz Court at Quartz Drive, southwest corner

**SUBJECT: STOP SIGNS - MARBREY LANDING (PHASE I)**

**MOTION** by Council Member Larson seconded by Council Member Griffin to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:36 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**Ordinance #11316**

- 1) Armitage Drive at Stalling Road, southwest corner;
- 2) Fire Rock Place at Armitage Drive, northeast corner; and
- 3) Redear Place at Armitage Drive, northeast corner

**SUBJECT: STOP SIGN - WOODMONT DRIVE**

**MOTION** by Council Member Larson seconded by Council Member Griffin to adopt an ordinance authorizing the installation of a stop sign on Woodmont Drive at North Pointe Drive, northwest corner was approved at 7:36 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**Ordinance #11317**

**SUBJECT: NO PARKING SIGNS - CANAL STREET**

**MOTION** by Council Member Larson seconded by Council Member Griffin to adopt an ordinance to prohibit parking at any time on the south side of Canal Street in the area beginning at the east curb line of Queen Street, if extended, and extending for a distance of 66 feet eastwardly was approved at 7:36 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council

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Member Brown.

**Ordinance #11318**

**SUBJECT: BID REPORT - OCTOBER 1997**

**MOTION** by Council Member Larson seconded by Council Member Griffin to approve and record in the minutes bids and items which were acted upon the City Manager during the month of October 1997 was approved at 7:36 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**[See Attachment #1 for itemized bid report]**

**SUBJECT: BIDS - VEHICLES, CARDINAL INTERNATIONAL TRUCKS; RICK HENDRICK CHEVROLET; AND UNIVERSITY FORD**

**MOTION** by Council Member Larson seconded by Council Member Griffin to accept the bid from Cardinal International Trucks in the amount of \$425,387.04 for furnishing the City with one (1) 32,000 GVWR Dump Truck (Item No. 17), one (1) 32,000 GVWR Crew Cab Service Truck (Item No. 18), three (3) 32,000 GVWR Crew Cab Dump Trucks (Item No. 19), one (1) 50,000 GVWR Dump Truck (Item No. 20), and one (1) 24,000 GVWR Crew Cab Dump Truck (Item No. 22);

To accept the bid from Rick Hendrick Chevrolet in the amount of \$448,214.28 for furnishing the City with one (1) Compact Sedan (Item No. 1), one (1) Mini Van (Item No. 5), five (5) Cargo Vans (Item No. 7), one (1) 14,000 GVWR Walk-in Van (Item No. 8), one (1) 4X4 Utility Vehicle (Item No. 9), two (2) 8,600 GVWR Pickup Trucks (Item No. 11), three 8,600 GVWR 4X4 Pickup Trucks (Item No. 12), one (1) 8,600 GVWR 4X4 Extended Cab Pickup Truck (Item No. 13), three (3) 9,200 GVWR Pickup Trucks (Item No. 14), two (2) 10,000 GVWR Crew Cab Platform Trucks (Item No. 15), and one (1) 11,000 GVWR Service Truck (Item No. 16);

To accept the bid from University Ford in the amount of \$847,452.00 for furnishing the City with thirty-four (34) Police Patrol Vehicles (Item No. 2), two (2) Police Pursuit Vehicles (Item No. 3), two (2) Administrative Vehicles (Item No. 4), two (2) Fifteen Passenger Vans (Item No. 6), one (1) Compact Pickup Truck (Item No. 10), and one (1) 6,100 GVWR Pickup Truck (Item No. 21); and

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To waive the requirement for a Performance Bond for the aforementioned bidders was approved at 7:36 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**SUBJECT: BIDS - ESTIMATED ANNUAL REQUIREMENTS FOR ASPHALTIC CONCRETE, NELLO L. TEER**

**MOTION** by Council Member Larson seconded by Council Member Griffin to accept the bid of Nello L. Teer in the amount of \$160,960.16 for furnishing the City with its estimated annual requirements for asphaltic concrete (approximately 3,241 tons asphalt, 30 tons H Binder, 4,663 gallons of AC20 Tack) was approved at 7:36 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**SUBJECT: BIDS - ESTIMATED ANNUAL FOR WATER METERS, US FILTER DISTRIBUTION GROUP**

**MOTION** by Council Member Larson seconded by Council Member Griffin to accept the bid of US Filter Distribution Group in the amount of \$148,399.10 for furnishing the City with its annual requirements for water meters; and

To waive the requirement for a Performance Bond was approved at 7:36 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**SUBJECT: BIDS - BACKUP GENERATOR FOR FLEET MAINTENANCE AND COMMUNICATIONS MAINTENANCE, GREGORY POOLE POWER SYSTEMS**

**MOTION** by Council Member Larson seconded by Council Member Griffin to accept the bid from Gregory Poole Power Systems in the amount of \$135,500.00 for furnishing the City with a backup generator for Fleet Maintenance and Communications Maintenance; and

To waive the requirement for a Performance Bond was approved at 7:36 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller.



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Noes: None. Absent: Council Member Brown.

**SUBJECT: WATER EXTENSION AGREEMENT WITH AT&T CORPORATION**

**MOTION** by Council Member Larson seconded by Council Member Griffin to authorize the City Manager to enter a water extension agreement with AT&T Corporation to serve the proposed Durham 4E Building, a 109,000 square-foot commercial facility to be located on 4± acres on the south side of Chin Page Road was approved at 7:36 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**SUBJECT: LICENSE AGREEMENT WITH GLAXO WELLCOME FOR INSTALLATION OF TELECOMMUNICATIONS CONDUIT**

**MOTION** by Council Member Larson seconded by Council Member Griffin to authorize the City Manager to enter into a license agreement with Glaxo Wellcome for the installation of telecommunications cable in Emperor Boulevard was approved at 7:36 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**SUBJECT: TIME PAYMENT PETITIONS**

**MOTION** by Council Member Larson seconded by Council Member Griffin to approve the eight (8) Time Payment Petitions as listed below was approved at 7:36 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

1. Charles E. and Ruth A. Brown, II - 628 N. Hoover Road - Water Lateral, Sewer Lateral, Sewer Main, Water Capital Facility Fee and Sewer Capital Facility Fee
2. Jerelene and Van M. Carver - 1920 Panoramic Drive - Water Lateral and Water Capital Facility Fee
3. Robert and Debra Clare - 2118 Eastwood Drive - Sewer Capital Facility Fee

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4. Graham J. and Dorie G. Gaddy - 408 Currin Road - Water Lateral, Sewer Lateral, Water Capital Facility Fee and Sewer Capital Facility Fee
5. Norman Blane Latta - 2725 Beck Road - Water Lateral and Water Capital Facility Fee
6. Carl R. and Linda H. Roberts - 3903 Hulon Drive - Water Lateral and Water Capital Facility Fee
7. Leonard E. and Carolyn C. Smith - 1105 East Oak Drive - Sewer Lateral and Sewer Capital Facility Fee
8. Jerry C. White, Sharon R. Stewart - 529 Park View Drive - Water Lateral, Sewer Lateral, Water Capital Facility Fee and Sewer Capital Facility Fee

**SUBJECT: RESCINDING TIME PAYMENT PETITION, SEWER LATERAL AND SEWER CAPITAL FACILITY FEE AT 4130 DEEPWOOD CIRCLE, PROPERTY OF KRISTEN A. SEIGLER**

**MOTION** by Council Member Larson seconded by Council Member Griffin to rescind Council action of June 16, 1997, for the confirmation of the Time Payment Petition for a Sewer Lateral and Sewer Capital Facility fee at 4130 Deepwood Circle (property of Kristen A. Seigler) was approved at 7:36 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**SUBJECT: CITY COUNCIL MINUTES - CITY CLERK'S OFFICE**

**MOTION** by Council Member Larson seconded by Council Member Griffin to approve the official minutes of the November 17, 1997 and December 1, 1997 regular City Council meetings was approved at 7:36 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**[GENERAL BUSINESS AGENDA]**

**[PUBLIC HEARINGS]**

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**SUBJECT: Water Main - Burton Road** from End of Water Main to East Geer Street

To adopt a resolution ordering water main improvements on Burton Road from end of water main to East Geer Street.

City Engineer Ken Wright stated that this petition for improvement was no longer sufficient due to several property owners withdrawing their names. He asked that this matter be referred to the Engineering Department.

**MOTION** by Council Member Larson seconded by Council Member Miller to refer this matter to the Engineering Department was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**SUBJECT: FY98-02 AT&T CORPORATION LOT #2 ANNEXATION**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to receive citizens' comments concerning annexation of AT&T Corporation Lot #2, consisting of 3.949 acres located non-contiguous to the City Limits, on the south side of Chin Page Road; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described, Which is not Contiguous to the Present Corporate Boundary of the City of Durham, under the Provision of G.S. 160A-58 Et. Seq. (AT&T Corporation Lot #2)" [effective December 31, 1997] was approved at 7:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**Ordinance #11319**

**SUBJECT: FY98-03, PAGE PARK APARTMENTS ANNEXATION**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no

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objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to receive citizens' comments concerning annexation of Page park Apartments consisting of 29.467 acres located non-contiguous to the City Limits on the southwest intersection of Southern Parkway and the Durham/Wake County line; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described, Which is not Contiguous to the Present Corporate Boundary of the City of Durham, under the Provision of G.S. 160A-58 Et. Seq. (Page Park Apartments)" [effective December 31, 1997] was approved at 7:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**Ordinance #11320**

**SUBJECT: FY98-04, TRIANGLE POINTE APARTMENTS ANNEXATION**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to receive citizens' comments concerning annexation of Triangle pointe Apartments, consisting of 30.03304 acres located contiguous to the City Limits, on the southeast intersection of Angier Road and Page Road; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Abutting Directly on the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-31 (Triangle Pointe Apartments)" [effective December 31, 1997] was approved at 7:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**Ordinance #11321**

**SUBJECT: FY98-05, CRYSTAL LAKE TOWNHOMES ANNEXATION**

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As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to receive citizens' comments concerning annexation of Crystal Lake Townhomes, consisting of 2.128 acres located contiguous to the City Limits, on the southwest intersection of Crystal Lake Road and Camellia Street; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Abutting Directly on the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-31 (Crystal Lake Townhomes)" [effective December 31, 1997] was approved at 7:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**Ordinance #11322**

**SUBJECT: FY98-06, ROYAL TROON TOWNHOMES ANNEXATION**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to receive citizens' comments concerning annexation of Royal Troon Townhomes, consisting of 14.55 acres located non-contiguous to the City limits, on the north intersection of Umstead and Craig Roads; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described, Which is not Contiguous to the Present Corporate Boundary of the City of Durham, under the Provision of G.S. 160A-58 Et. Seq. (Royal Troon Townhomes)" [effective December 31, 1997] was approved at 7:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**Ordinance #11323**

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**SUBJECT: ZONING MATTER CASE P97-65, VOLLER REALTY & CONSTRUCTION COMPANY, SOUTH SIDE OF PAGE ROAD BETWEEN NEW PAGE ROAD EXTENSION AND HOLLOMAN ROAD**

Case: P97-65

Applicant: Voller Realty & Construction Company

Location: 11.23 acres on the south side of Page Road, between New Page Road extension and Holloman Road (Tax Map 649, Block 1, Lots 2A and 5)

Request: Rezoning from RD (Rural District) to R-10 (Residential 10 District)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RD and placing same in and establishing same as R-10.

Zoning Committee's Recommendation: Approval (7-0)

City Manager's Recommendation: Approval

Harold Smith, of the City/County Planning Department, stated the this request was for 11 acres located off Page Road. He noted the request appeared before the Zoning Committee with unanimous approval and the staff recommended support for the request.

Mayor Tennyson opened the public hearing on this rezoning request. [No speakers]. The public hearing was declared closed by the Mayor.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RD and placing same in and establishing same as R-10 was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**SUBJECT: ZONING MATTER CASE P97-67, S & R PARTNERSHIP, 4706 HOPE VALLEY ROAD**

Case: P97-67

Applicant: S & R Partnership

Location: The 9.976-acre site, located at 4706 Hope Valley Road (NC-751), consists of three parcels, one fronting on Garrett Road.

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These lots are identified as Tax Map 426, Block 1, Lots 7, 16, and 17.

Request: Rezoning from R-10 (Residential-10) and PDR (Planned Density Residential) to RM-12(D) (Multi-family Residential at 12 units per acre); F/J-B Overlay

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-10 and PDR and placing same in and establishing same as RM-12(D); F/J-B Overlay.

Zoning Committee's Recommendation: Approval (7-0)

City Manager's Recommendation: Approval, subject to changes to the Development Plan

Mayor Tennyson opened the public hearing on this rezoning request.

### **Proponents**

Attorney Jack Markham, representing the applicant, briefed council on the proposed plans relative to the rezoning request. Mr. Markham noted there were some concerns from the Woodcroft Homeowners' Association regarding the possible extension of Woodcroft Parkway across Hope Valley Road through Garrett Road. Attorney Markham asked the council to approve the rezoning request.

### **Opponents**

Elizabeth Steenbergen, representing Valleybrook Neighborhood Association, stated they did not oppose an assistance living facility at the proposed site. She noted the association did have concerns about the rezoning to RM-12 because the use could not be specified as part of the rezoning and there are few assurances the property will be developed as assistance living housing. Ms. Steenbergen stated they needed some assurances that the property would not be developed as RM-12 for reasons in the Southwest Durham Plan.

Katherine Berger, a resident of Trotter Ridge, stated her neighborhood association was not notified of this rezoning request. She also stated they were concerned with the traffic congestion already existing in this area.

Jerry Belle, a resident of Woodcroft, addressed the council noting his concerns with the plan to extend Woodcroft Parkway to Garrett Road. He stated this extension was not necessary and it would increase the volume of traffic.

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George Stanzeo, a resident of Woodcroft, stated he had spoken with the developers and the extension of the road is not required by the development, and the developers do not want to build this road. He noted the developers have been asked to build their driveways to city street standards in order for the city to come back later on and extend the road. Mr. Stanzeo stated he was not opposed to the rezoning request and the proposed use. Also, Mr. Stanzeo recommended that all of the design and aesthetic elements be made clear on the development plan.

### **Rebuttal**

With regards to RM-12 zoning vs. PDR, Attorney Jack Markham stated the development was under 200 units; there would be less than 150 parking spaces in the complex; and a retirement facility would generate low traffic. Mr. Markham stated he had communicated with the Woodcroft Homeowners' Association addressing some of the concerns about the fencing, lighting, and landscaping.

Mayor Tennyson closed the public hearing.

Council Member McKissick asked if the developer would object to having further dialogue with the neighborhoods relative to their concerns.

Attorney Jack Markham stated the applicant would prefer that the council vote on this request this evening. He noted that the matter was deferred once at the request of the Woodcroft neighborhood.

Council Member McKissick asked for clarification on the extension of Woodcroft Parkway to Garrett Road.

Earl Lewellyn, of the Transportation Department, stated that the extension of Woodcroft Parkway was not an element of the Thoroughfare Plan. He noted it was an element of collector street planning which the Transportation Department has been reviewing for a number of years. He stated the staff felt the extension provided an alternative or an outlet for forcing everyone through the Hope Valley/Garrett Road intersection which is significantly congested at this time. Mr. Lewellyn stated the extension would also form a link between the Woodlake, Woodcroft developments and Jordan High School.

Council Member McKissick stated he felt the Trotter Ridge neighborhood should have been notified about this proposal and it would be appropriate for them to have some dialogue with the applicant.



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**MOTION** by Council Member McKissick seconded by Council Member Cox to defer action on this matter until the January 20, 1998 City Council Meeting to allow further dialogue between the neighborhoods and the applicant was approved at 8:19 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: Mayor Tennyson. Absent: Council Member Brown.

**SUBJECT: ZONING MATTER CASE P97-70, MARK HEIZER, 3816 WATKINS ROAD**

Case: P97-70

Applicant: Mark Heizer

Location: The 1.2-acre site is located at 3816 Watkins Road, identified as Tax Map 483, Block 1, Lot 22

Request: Rezoning from R-20 (Residential 20) to OI-1(D) (Transitional Office and Institutional with Development Plan)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 and placing same in and establishing same as OI-1(D).

Zoning Committee's Recommendation: Approval (7-0)

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

### **Proponents**

Mark Heizer, the applicant, spoke in support of the request. He stated that the temporary building would be 40 X 40 instead of 60 X 60.

No one spoke in opposition. The Mayor closed the public hearing.

Council Member McKissick asked if there had been a formal amendment filed by the applicant requesting the that the temporary building be 40 X 40 instead of 60 X 60.

Nazeeh Abdul-Hakeem, of the City/County Planning Department, stated the administration would like for the applicant to confirm that he would like the dimensions of the building changed to 40 X 40 on the development plan.

Mark Heizer, the applicant, stated the development plan would be

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for a 40 X 40 building.

**MOTION** by Mayor Pro Tempore Clement seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 and placing same in and establishing same as OI-1(D) [development plan to reflect 40 X 40 building] was approved at 8:31 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**SUBJECT: ZONING MATTER CASE P97-74, SIGMUND LEFKOVITZ, 303 AND 323 CARVER STREET**

Case: P97-74

Applicant: Sigmund Lefkovitz

Location: 8.69 acres at 303 and 323 Carver Street, between Roxboro Road and Meriwether Drive, near Oxford Commons and Independence Park (Tax Map 740A, Block 1, Lots 1D and 1C [partial])

Request: Change in Development Plan and rezoning from PDR-10 (Planned Density Residential, 10 units per acre) to OI-1 (Transitional Office and Institutional); F/J-B Overlay

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by making a change in the Development Plan and by taking the property out of PDR-10 and placing same in and establishing same as OI-1; F/J-B Overlay.

Zoning Committee's Recommendation: Approval (7-0)

City Manager's Recommendation: Approval

Mayor Tennyson opened the public hearing on this rezoning request. There were no persons present wishing to be heard. The public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by making a change in the Development Plan and by taking the property out of PDR-10 and placing same in and establishing same as OI-1; F/J-B Overlay was approved at 8:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member

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Brown.

**SUBJECT: ZONING MATTER CASE P97-75, REGINALD AND LARRY ROGERS,  
3902 GUESS ROAD**

Case: P97-75

Applicant: Reginald and Larry Rogers

Location: 1.85± acres at 3902 Guess Road, on east side of Guess Road, south of Prison Camp Road, north of Victory Boulevard (Tax Map 778, Block 1, Lot 1F)

Request: Rezoning from R-20 (Residential 20) to GC (General Commercial)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 and placing same in and establishing same as GC.

Zoning Committee's Recommendation: Denial (4-3)  
(4 against the rezoning, 3 in favor of rezoning)

City Manager's Recommendation: Denial

Mayor Tennyson noted that the applicant was requesting a deferral on this rezoning request until February 2, 1998.

**MOTION** by Mayor Pro Tempore Clement seconded by Council Member Miller to continue the public hearing without further advertisement until the February 2, 1998 City Council Meeting was approved at 8:33 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**SUBJECT: MAJOR SPECIAL USE PERMIT - TRIANGLE RESIDENTIAL OPTIONS  
FOR SUBSTANCE ABUSERS, INC. (TROSA) CASE M97-6**

**Recommendation:** To hold the public hearing and evaluate the evidence presented. The Planning staff will make a recommendation after the hearing of this case. After the hearing, one of these two motions is in order:

**Motion A: (Approval With or Without Conditions)** - To direct the Planning Director to prepare a decision granting with conditions the use permit in Case M97-6. (Council should identify any conditions they wish to incorporate into their approval. Staff

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will prepare the decision for Council's next meeting for action.)

**Motion B: (Disapproval)** - To direct the Planning Director to prepare a decision denying the use permit in Case M97-6. (Council should identify the findings they are unable to make so these can be incorporated into the decision. Staff will prepare the decision for Council's next meeting for action.)

At this time, an explanation of the proceedings for this matter was given by Mayor Tennyson.

City Clerk Bowers swore in the following individuals: Kevin McDonald; Judge Craig Brown; Betty Johnson; and Helen Youngblood.

Mayor Tennyson asked council to reveal any possible conflicts and to withdraw from this hearing if necessary. Also, the Mayor asked if any council member had been exposed to any evidence or information that may not come out at the hearing tonight.

The Mayor opened the hearing on Case M97-6.

#### **Testimony from Staff**

Betty Johnson, of the City/County Planning Department, asked that the staff report, testimony and any material submitted this evening be made a part of the permanent record with any necessary changes or corrections. Ms. Johnson noted that this major use permit request was located on the eastside of Driver Avenue, north of Main Street, east of Gurley and south of Hart Street. She stated this was the third proposed operation for TROSA to be utilized as a residential training and educational facility. Ms. Johnson stated the applicant was proposing to utilize an existing old school [formerly Y. E. Smith] and a single family house located to the south of the existing facility. She noted the application has been forwarded to the Development Review Board and a site plan was approved October 31, 1997 subject to corrections.

Ms. Johnson stated the project met all of the necessary setbacks; however, with the buffer requirements there was a reduction made by the Development Review Board due to the location of an existing home and in order for the project to conform to the provisions of the ordinance, the applicant had to seek a letter from the adjoining property owner and this has been accomplished since DRB approved the site plan.

Mayor Tennyson asked if there were any questions from the council, the applicant or other interested parties. [No questions]

#### **Testimony from Applicant**

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Kevin McDonald, representing TROSA, briefed council on the facility operations offered by TROSA.

Judge Craig Brown, representing the TROSA Board, stated the major use permit for the old Y. E. Smith School and the renovations that will take place would permit TROSA to grow. Judge Brown noted that the track record demonstrated by TROSA in Durham County gives a clear indication of where they are headed. He thanked the council for their support in the past and asked that the major use permit be approved this evening.

Mayor Tennyson asked if there any questions from the council or other interested parties.

Mayor Tennyson asked if there was anyone present opposing this request. [No opponents]

Council Member Langley congratulated TROSA for their accomplishments and encouraged the residents to continue their efforts.

**Staff's Recommendation**

Betty Johnson, of the City/County Planning Department, stated the staff recommended approval of the major special use permit subject to all corrections from the site plan being completed.

**MOTION** by Council Member Cox seconded by Council Member Miller to direct the Planning Director to prepare a decision granting a Major Special Use Permit for Case M97-6 [TROSA] subject to all corrections from the site plan being completed [order to be brought back to council at its January 20, 1998 City Council Meeting] was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

The Mayor stated the public hearing on this matter is continued until the January 20, 1998 City Council.

**SUBJECT: REVISIONS TO ZONING ORDINANCE CONCERNING PERMANENT  
TRANSFER STATIONS**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

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**MOTION** by Mayor Pro Tempore Clement seconded by Council Member Miller to receive citizens' comments on the proposed ordinance; and

To adopt "An Ordinance to Amend the Durham Zoning Ordinance to Revise Procedures for the Placement of Transfer Stations" was approved at 8:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**Ordinance #11324**

**SUBJECT: PROPOSED AMENDMENTS TO THE ZONING ORDINANCE AND THE SUBDIVISION ORDINANCE**

- a. An Ordinance Amending the Durham Zoning Ordinance Regarding Historic Plaques (TC65-97)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Tom Miller, representing the Historic Preservation Society of Durham, spoke in support of this ordinance with the following modifications: Wall mounted markers shall be 6 square feet rather than 4 square feet and freestanding markers shall be 18 square feet rather than 16 square feet. Mr. Miller stated that he had spoken with Paul Norby, of the City/County Planning Department, and he was in agreement with the modifications.

Dr. Denise Barnes, representing the Historic Preservation Society of Durham, spoke in support of the ordinance with the modifications as stated by Mr. Miller.

No one spoke in opposition. Mayor Tennyson declared the public hearing closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to receive citizens' comments on the proposed amendment; and

To adopt "An Ordinance Amending the Durham Zoning Ordinance Regarding Historic Plaques" **as amended [wall mounted markers 6 square feet and freestanding markers 18 square feet]** was approved at 8:58 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller.

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Noes: None. Absent: Council Member Brown.

**Ordinance #11325**

- b. An Ordinance to Amend the Durham Zoning Ordinance to Provide for Revised Public and Private Street Standards (TC68-97)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Bob Novak, a resident of the Woodcroft Community, spoke in support of this ordinance.

No one spoke in opposition. Mayor Tennyson declared the public hearing closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to receive citizens' comments on the proposed amendment; and

To adopt "An Ordinance to Amend the Durham Zoning Ordinance to Provide for Revised Public and Private Street Standards" was approved at 9:02 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**Ordinance #11326**

- c. An Ordinance to Amend the Durham Subdivision Ordinance to Provide Standards for New Residential Public and Private Streets (TC69-97)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Bob Novak, a resident of the Woodcroft Community, spoke in support of this ordinance.

No one spoke in opposition. Mayor Tennyson declared the public hearing closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to receive citizens' comments on the proposed amendment; and

To adopt "An Ordinance to Amend the Durham Subdivision Ordinance to Provide Standards for New Residential Public and Private

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Streets" was approved at 9:02 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**Ordinance #11327**

**[OTHER MATTERS]**

**SUBJECT: POLICE VIDEO GRANT EFFORTS**

**MOTION** by Council Member Larson seconded by Council Member Miller to receive a report from the Administration concerning the City's earlier efforts to secure grant funding for video cameras for police patrol vehicles was approved at 9:04 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**SUBJECT: TAXICAB INSPECTOR'S REPORT**

To receive a report from the Taxicab Inspector and to take action on the following recommendation of the Taxicab Inspector--pursuant to Section 22.159.10(b) of the Durham City Code:

Transfer of Operator's License - Weeks' Cab #23 from Willie Weeks, III to Ahmed Z. Mohammed.

Taxicab Inspector's Recommendation: Approval of Transfer--pursuant to Section 22-98 of the Durham City Code.

**MOTION** by Mayor Pro Tempore Clement seconded by Council Member Larson to approve the Taxicab Inspector's recommendation [approval of transfer of operator's license - Week's Cab #23 from Willie Weeks, III to Ahmed Z. Mohammed] was approved at 9:04 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**SUBJECT: HUMAN RELATIONS COMMISSION RECEIPT AND ACCEPTANCE OF APPLICATIONS**

To receive and accept applications and to appoint members to fill



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five vacancies on the Human Relations Commission, three African American members and two members of other racial minority groups. [Of these appointments, at least three, but no more than four should be females--in accordance with Ordinance #11265 adopted October 6, 1997] One term will expire June 30, 1998, two terms will expire June 30, 1999, and two terms will expire June 30, 2000.

Ballots were distributed to council for appointing individuals to the Human Relations Commission. Later in the meeting, City Clerk Bowers announced the results.

**SUBJECT: WALLTOWN HOMEOWNERSHIP HOME PROJECT PHASE II, SELF-HELP DEVELOPMENT CORPORATION**

The following citizens spoke in support of this item and asked the council to approve same: Shirley Jones; Mattie McGee; Pam Clay; Levell Exum; Mike Calhoun and Mike Schffner.

Council Member Burnette read a letter from Randy Mangum, President of the Walltown Community Association, stating why they were unhappy with Self-Help Development Corporation.

A motion was made by Council Member Burnette to delay action on this item until the February 16, 1998 City Council Meeting to allow the concerns to be resolved between the Walltown Community and Self-Help. This motion was seconded by Mayor Pro Tempore Clement.

Council Member Miller stated that he would hope discussion could continue between the parties without delaying action on this item.

A substitute motion was made by Council Member Larson to approve the item as printed on the agenda. This motion was seconded by Council Member Miller.

Council Member Cox stated that the concerns needed to be addressed between the Walltown Community and Self-Help at some point and time. Council Member Cox requested a friendly amendment to the substitute motion "approve the item as printed with the understanding that 15 homes are being approved for this particular phase."

Kendall Abernathy, of the Housing Department, stated Phase II was for the purchase of 15 lots but would result in 13 homes.

Council Member Cox asked that his friendly amendment be revised to reflect 15 lots would be purchased which will result in 13 homes.

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Council Member Larson accepted Council Member Cox's friendly amendment to his motion; however, he stated that the friendly amendment seemed consistent with the motion printed on the agenda.

A substitute motion to the substitute was made by Council Member McKissick to delay action on this item until the January 20, 1998 City Council Meeting to allow the concerns to be resolved between the Walltown Community and Self-Help. This motion was seconded by Mayor Pro Tempore Clement.

Mayor Pro Tempore Clement suggested intervention by the Dispute Settlement Center to help resolve this matter.

Council Member Jacobs stated she would support Council Member's McKissick motion to allow dialogue between the residents and Self-Help.

Mayor Tennyson stated if this item is delayed, it would create an uncertainty which defeats real estate projects.

At this time, Mike Calhoun, representing the Self-Help Development Corporation, requested to be heard.

Mayor Tennyson suggested that council take action on this item.

**MOTION** by Mayor Pro Tempore Clement seconded by Council Member Larson to appeal the ruling of the Chair and to receive comments from Mike Calhoun was approved at 9:49 p.m. by the following vote: Ayes: Mayor Pro Tem Clement and Council Members Blyth, Burnette, Cox, Engelhard, Jacobs, Langley, Larson and McKissick. Noes: Mayor Tennyson and Council Members Miller and Griffin. Absent: Council Member Brown.

Mike Calhoun, representing Self-Help, stated he was more in favor of community dialogue/community involvement than any other developer with regards to this project. At his request, he noted that Bill Bell worked as a mediator for an extensive number of meetings between the Walltown Community Association and Self-Help. He stated they have made themselves available to meet with the community and have repeatedly requested meetings with them. Mr. Calhoun stated Self-Help had no hidden agenda and the reason for their being is to empower low-income neighborhoods and low-income individuals. He stated the Walltown Community has been a great advocacy group. Also, Mr. Calhoun stated they would help the Walltown Community with fund raising and building capacity to develop houses.

**SUBSTITUTE MOTION TO THE SUBSTITUTE** by Council Member McKissick seconded by Mayor Pro Tempore Clement to delay action on this item

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until the January 20, 1998 City Council Meeting to allow the concerns to be resolved between the Walltown Community and Self-Help **FAILED** at 9:55 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Burnette, Cox, McKissick and Jacobs. Noes: Mayor Tennyson and Council Members Langley, Larson, Miller, Griffin, Engelhard and Blyth. Absent: Council Member Brown.

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute: (1) a Loan Agreement with Self-Help Development Corporation in the amount of (a) \$72,000 direct grant of HOME Funds for relocation assistance and (b) \$161,200 acquisition loan; (2) a Builder Participation Agreement with Self-Help Community Development Corporation in an amount not to exceed \$312,000 of HOME funds for permanent subordinate mortgage financing for income eligible buyers in Walltown; and (3) related loan closing documents as are consistent with the loan terms and the Fiscal Year 1995/96 HOME program requirements approved by City Council; [for 15 lots which will result in 13 homes]; and

To determine and find that mortgage loans for this homeownership project are not otherwise available, wholly or in part, from public or private lenders upon equivalent or reasonably equivalent terms and conditions was approved at 9:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**SUBJECT: VIOLENCE PREVENTION PLAN - INTERLOCAL COOPERATION AGREEMENT AND YOUTH DEVELOPMENT ADVISORY BOARD**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute an Interlocal Cooperation Agreement between the County and City of Durham--with a budget split of 60% County and 40% City and with the County to administer the program;

To determine that the duration of the Agreement is reasonable; and

To request the Mayor, in conjunction with the Chair of the Board of County Commissioners, to appoint the Youth Development Advisory Board members was approved at 9:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

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**SUBJECT: CONTRACT FOR DURHAM MUNICIPAL TRANSFER STATION NO. 2 -  
CROWDER CONSTRUCTION COMPANY**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a contract with Crowder Construction Company in an amount not to exceed \$2,318,125.00 for construction of the City of Durham Municipal Solid Waste Transfer Station No. 2 was approved at 9:56 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**SUBJECT: LIVING WAGE ORDINANCE**

To adopt "An Ordinance Requiring the Payment of a Liveable Wage."

To form a Council Committee appointed by the Mayor to establish metrics (performance indicators) in order to determine the success of the Ordinance.

To have City Council review the Ordinance one year after adoption.

**Note: This item was removed from the agenda. Matter will come back before the Finance Committee on January 8, 1998.**

**SUBJECT: CANCELTION OF DECEMBER 29, 1997 PUBLIC WORKS COMMITTEE  
MEETING AND JANUARY 5, 1998 CITY COUNCIL MEETING**

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to cancel the December 29, 1997 Public Works Committee Meeting; and

To adopt an "Ordinance Canceling the Regular City Council Meeting of Monday, January 5, 1998 was approved at 9:56 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**Ordinance #11328**

**[EXCUSE COUNCIL MEMBER ENGELHARD FROM THE MEETING]**

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**MOTION** by Council Member Larson seconded by Council Member Miller to excuse Council Member Engelhard from the meeting was approved at 9:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**[ITEMS PULLED FROM THE CONSENT AGENDA]**

**SUBJECT: REPORT FROM CITY MANAGER ON POLICE ATTORNEY REPORTING STRUCTURE AND ENHANCING THE INTERNAL AFFAIRS PROCESS WITHIN THE DURHAM POLICE DEPARTMENT**

Chris Tiffany spoke on this item.

**MOTION** by Council Member Larson seconded by Mayor Pro Tem Clement to receive a report from the City Manager on the Police Attorney Reporting Structure and Enhancing the Internal Affairs Process within the Durham Police Department was approved at 10:03 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Excused Absence: Council Member Engelhard. Absent: Council Member Brown.

**SUBJECT: REPORT FROM DURHAM HOUSING AUTHORITY CONCERNING AUDIT OF HOUSING CONDITIONS**

To receive a report from the Durham Housing Authority concerning the Inspector General's audit of housing conditions.

The following individuals spoke on the poor housing conditions of residents residing in Durham Housing Authority units: Tara Nichols; Glendis Jones; and Mary Jones.

Council Member McKissick asked that further discussion regarding maintenance and repairs of properties owned by the Durham Housing Authority be placed on the January 12, 1998 Public Works Agenda.

Joyce Nichols, a Member of the Durham Housing Authority Board, presented a letter stating that measures have been taken relative to eliminating rodents.

**MOTION** by Council Member McKissick seconded by Mayor Pro Tempore Clement to receive a report from the Durham Housing Authority concerning the Inspector General's audit of housing conditions was approved at 10:23 p.m. by the following vote: Ayes: Mayor

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Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: Council Member Blyth. Excused Absence: Council Member Engelhard. Absent: Council Member Brown.

**SUBJECT: WALLTOWN REVITALIZATION PLAN**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt the *Walltown Revitalization Plan*, as revised was approved at 10:24 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Excused Absence: Council Member Engelhard. Absent: Council Member Brown.

**SUBJECT: HUMAN RELATIONS COMMISSION RECEIPT AND ACCEPTANCE OF APPLICATIONS**

By ballot, the council appointed the following individuals to the Human Relations Commission: Andrea Bazan Manson; Rebecca Reyes; Yvonne S. Dunlap; and Gwendolyn Matthews Morris.

Due to a tie vote between Steven Lamar Holeman and Ralph Frasier, the following action was taken by council.

**MOTION** by Council Member Cox seconded by Council Member Miller to appoint Steven Lamar Holeman to the Human Relations Commission was approved at 10:26 by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Excused Absence: Council Member Engelhard. Absent: Council Member Brown.

There being no further business to come before the Council, the meeting was adjourned at 10:26 p.m.

D. Ann Gray  
Deputy City Clerk

Margaret M. Bowers, CMC  
City Clerk